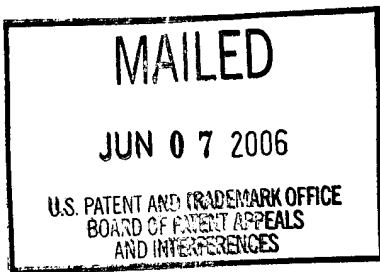


The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL P. LATTA

Application No. 10/660,924

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on May 13, 2006. A review of the application has determined that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellant filed an Appeal Brief in accordance with 37 CFR § 41.37(c) which was received by the USPTO on November 4, 2005. The following deficiency requires immediate attention and correction:

(1) the content listed under the "**Summary of Claimed Subject Matter**," is improper because there is no

concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal
[37 CFR § 41.37(c)(1)(v).]

Correction is required.

Further review of the application reveals that the Examiner's Answer, mailed January 27, 2006, does not contain the references cited in the rejections currently on appeal, nor is the heading "**Evidence Relied Upon**" among the required headings currently contained in the Answer.

Correction is required. **See the Manual of Patent Examining Procedure (MPEP) § 1207.02(A)(8).**

Accordingly, it is

ORDERED that the application is returned to the examiner

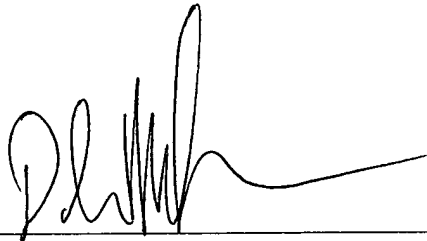
(1) to have the Appellant submit a Supplemental appeal brief in compliance with 37 CFR § 41.37(c)(1)(v);

(2) to submit a corrected Examiner's Answer in accordance with **MPEP** § 1207.02(A)(8) listing the required references under the proper heading; and

Application No. 10/660,924

(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', is written over a horizontal line.

DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

cc: KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

DMS:hh